### BINGHAM

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June 6, 2014

### VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

**Re:** CC Docket No. 00-257: In the Matter of 2000 Biennial Review - Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers.

Notification of Network Billing Systems, LLC Pursuant to 47 C.F.R. § 64.1120(e)

Dear Ms. Dortch:

On behalf of Network Billing Systems, LLC LLC ("NBS") and pursuant to Section 64.1120(e) of the Commission's Rules, 47 C.F.R. § 64.1120(e), this letters notifies the Commission of NBS's intent to acquire the customer bases of Cypress Communications Operating Company, LLC ("Cypress") and Cypress Communications Holdings Company of Virginia, LLC ("Cypress-VA" and together with Cypress, "Assignors") (NBS and Assignors collectively, the "Parties").

Names of the Parties to the Transaction: As described in more detail in the Parties' Applications filed with the Commission on May 5, 2014 (WC Docket No. 14-73), pursuant to an Asset Purchase and Sale Agreement between Fusion Telecommunications, Inc. (the ultimate parent company of NBS), Fusion BVX LLC ("FBVX"), BroadvoxGo!, LLC (an affiliate of Cypress and wholly owned subsidiary of Broadvox) and Cypress Communications, LLC (the direct parent company of Cypress) (together, the "Sellers"), NBS will acquire the regulated retail business services and customers (including the customer accounts and contracts) of Assignors' that are associated with Sellers' unregulated business that FBVX is acquiring from Sellers.

Types of Telecommunications Services Provided to Affected Customers: The customers being transferred from Assignors to NBS are located in Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and Washington. The regulated services provided to the affected customers are retail business circuits that, to Assignors' knowledge, are generally used as fax lines and not for voice services, but may be used for other services such as credit card processing, security systems, systems' monitoring and other applications where a traditional LEC analog telephone line would be preferred.

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Tokyo

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Marlene H. Dortch, Secretary June 6, 2014 Page 2

<u>Date of the Transfer</u>: Following receipt of regulatory approvals, the Parties anticipate that the affected customers will become customers of NBS on or after July 6, 2014, for customers in all states other than Massachusetts and New Jersey and on or after August 5, 2014 for customers in Massachusetts and New Jersey. The exact date of each customer's transfer to NBS will depend on the state of that customer's service location(s) and when the Parties satisfy certain regulatory requirements.

<u>Certification of Compliance</u>: Attached hereto as **Attachment A** is a certification from NBS required under Section 64.1120(e)(1) of the Commission's rules.

Copy of Notice Sent to Affected Subscribers: Attached hereto as **Attachment B-1** is a copy of the customer notice that was sent on June 6, 2014, to the affected Massachusetts and New Jersey customers of Assignors and **Attachment B-2** is a copy of the customer notice that was sent to affected customers of Assignors in all states other than Massachusetts and New Jersey.

\* \* \* \*

Should there be any questions regarding this notification, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ Brett P. Ferenchak

Jean L. Kiddoo Brett P. Ferenchak

Counsel for Network Billing Systems, LLC

Attachments

## **ATTACHMENT A**

## **Certification of NBS**

### **CERTIFICATION**

On behalf of Network Billing Systems, LLC ("NBS"), and in accordance with Section 64.1120 of the Commission's rules, 47 C.F.R. § 64.1120, I hereby certify under penalty of perjury that I have read the foregoing notification and the statements contained therein are true, complete and correct to the best of my knowledge. I further certify that, with respect to the transfer of the customers of the Assignor(s) (as defined in the letter to which this Certification is attached) to NBS, NBS has complied with the Commission's requirements to provide advance customer notice in accordance with Section 64.1120(e)(3), with the obligations specified in that notice, and with other statutory and Commission requirements that apply to this streamlined process.

I certify under penalty of perjury that the foregoing is true and correct.

Name: Gordon Hutchins, Jr.

Title: Executive Vice President

Network Billings Systems, LLC

Date: June 6, 2014

# **ATTACHMENT B-1**

Sample Notice to Massachusetts and New Jersey Customers





June 6, 2014

#### **Dear Valued Customer:**

On December 31, 2013, Fusion Telecommunications International, Inc. and Fusion BVX LLC (together, "Fusion") and BroadvoxGo! and Cypress Communications (together, "Broadvox") reached an agreement pursuant to which Fusion acquired the business operations of Broadvox that provide your telecommunications services, including the analog business line(s) provided to you by Cypress Communications Operating Company, LLC ("Cypress"). As you should be aware from previous communications, Fusion and its operating subsidiary, Network Billing Systems LLC ("NBS"), which also will conduct business using the brand name "Fusion", are doing everything possible to assure that you continue to receive the same great service and dedication to your telecommunications needs. Your services will remain the same, with the same rates, features, terms and conditions as you currently enjoy.

Any future changes to your service will be made in compliance with your contract, service terms and regulatory requirements. You are currently receiving a monthly invoice from NBS for your Hosted Voice Over Internet Protocol ("VoIP"), SIP Trunking services, Internet access and other enhanced services, along with your analog business line(s). Until NBS and Cypress have satisfied certain federal and state regulatory requirements, Cypress will remain the provider of your analog business line(s), even though NBS will act as a billing and customer service agent for Cypress and be the provider of your other communications services. Depending on the state of your service location(s), the specific date(s) that NBS will become the provider of your analog business line(s) may differ somewhat based on when we satisfy certain regulatory requirements but will be no sooner than August 5, 2014.

This change of provider of your analog business line(s) will be completely seamless for you, and you do not need to do anything in order for it to occur. NBS will take care of all the details and will be responsible for any change fees associated with transferring your service. However, it is important that you be aware of the following information. You are responsible for continued payment of your monthly recurring and usage charges throughout this period. Unless you exercise your right, subject to the terms of your service contract, to switch your analog business line(s) to a different telecommunications company prior to the date that such services are transferred to NBS, your analog business line service(s) will automatically be transferred without service interruption from Cypress to NBS. In addition, if you paid a deposit or prepayment, it will be transferred to your NBS account.

Our mission at Fusion is to provide superior products and services to all our customers, and we thank you for your continued support. If you have any questions regarding your current services or invoices, or if you would like more information about the transaction or the transfer of the service provider of your analog business line(s) from Cypress to NBS, please call NBS customer service toll-free at 888-301-1721.

We at Fusion and NBS look forward to serving you.

Sincerely,

Russell Markman

Russell Markman EVP – Business Services Network Billings Systems, LLC d/b/a Fusion Pete Sandrev

Pete Sandrev
EVP – General Manager of STS
Cypress Communications Operating Company, LLC

<sup>&</sup>lt;sup>1</sup> If for any reason you should choose another telephone provider for your analog business line(s) you will need to contact that carrier directly to arrange for the change before NBS becomes your provider. Generally, you can find a list of alternative providers in the telephone book or from your state public utility regulatory agency. Please note that you may incur service initiation fees from a new provider such as service order, installation and other similar charges associated with establishing a new service account.

<sup>&</sup>lt;sup>2</sup> If you have previously arranged for a preferred carrier "freeze" on your analog business line, NBS will suspend that freeze in order to make the transfer and reinstate it upon completion of a transfer to NBS. If you have selected an alternate local telephone provider for your analog business line(s) prior to a transfer to NBS, you will need to have that provider reinstate your preferred carrier freeze.

# **ATTACHMENT B-2**





June 6, 2014

#### **Dear Valued Customer:**

On December 31, 2013, Fusion Telecommunications International, Inc. and Fusion BVX LLC (together, "Fusion") and BroadvoxGo! and Cypress Communications (together, "Broadvox") reached an agreement pursuant to which Fusion acquired the business operations of Broadvox that provide your telecommunications services, including the analog business line(s) provided to you by Cypress Communications Operating Company, LLC ("Cypress"). As you should be aware from previous communications, Fusion and its operating subsidiary, Network Billing Systems LLC ("NBS"), which also will conduct business using the brand name "Fusion", are doing everything possible to assure that you continue to receive the same great service and dedication to your telecommunications needs. Your services will remain the same, with the same rates, features, terms and conditions as you currently enjoy.

Any future changes to your service will be made in compliance with your contract, service terms and regulatory requirements. You are currently receiving a monthly invoice from NBS for your Hosted Voice Over Internet Protocol ("VoIP"), SIP Trunking services, Internet access and other enhanced services, along with your analog business line(s). Until NBS and Cypress have satisfied certain federal and state regulatory requirements, Cypress will remain the provider of your analog business line(s), even though NBS will act as a billing and customer service agent for Cypress and be the provider of your other communications services. Depending on the state of your service location(s), the specific date(s) that NBS will become the provider of your analog business line(s) may differ somewhat based on when we satisfy certain regulatory requirements but will be no sooner than July 6, 2014.

This change of provider of your analog business line(s) will be completely seamless for you, and you do not need to do anything in order for it to occur. NBS will take care of all the details and will be responsible for any change fees associated with transferring your service. However, it is important that you be aware of the following information. You are responsible for continued payment of your monthly recurring and usage charges throughout this period. Unless you exercise your right, subject to the terms of your service contract, to switch your analog business line(s) to a different telecommunications company prior to the date that such services are transferred to NBS, your analog business line service(s) will automatically be transferred without service interruption from Cypress to NBS. In addition, if you paid a deposit or prepayment, it will be transferred to your NBS account.

Our mission at Fusion is to provide superior products and services to all our customers, and we thank you for your continued support. If you have any questions regarding your current services or invoices, or if you would like more information about the transaction or the transfer of the service provider of your analog business line(s) from Cypress to NBS, please call NBS customer service toll-free at 888-301-1721.

We at Fusion and NBS look forward to serving you.

Sincerely,

### Russell Markman

Russell Markman EVP – Business Services Network Billings Systems, LLC d/b/a Fusion

### Pete Sandrev

Pete Sandrev
EVP – General Manager of STS
Cypress Communications Operating Company, LLC

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